

RECEIVED  
CENTRAL FAX CENTER

JUL 31 2006

**REMARKS**

Applicant respectfully requests reconsideration of this application. Claims 1-34 are currently pending. No claims have been amended, added, or cancelled.

Therefore, claims 1-34 are now presented for examination.

**Ground of Rejection**

The Office Action states that the arguments of the Applicant with regard to claims 1-34 have been considered, but are moot in view of the new grounds of rejection.

It is noted that this statement commonly indicates that the current rejection relies upon a different or additional reference. However, Applicant understands that the current rejection is based on the same reference cited and discussed in the prior action, and Applicant thus interprets the statement to indicate that different portions of the same reference are cited in the current rejection.

**35 U.S.C. §102 Rejection****Stewart, et al.**

The Examiner rejected claims 1-34 under 35 U.S.C. 102 (e) as being anticipated over U.S. Patent 6,732,176 of Stewart, et al. (hereinafter referred to as "Stewart").

It is again submitted that Stewart does not contain all of the elements of the claims. Rather than repeat the prior arguments, Applicants states that such arguments remain valid. Applicant hereby focuses on the operations provided in the cited reference and the intention of such operations, and how this demonstrates the distinction between the reference and the claims herein.

For convenience, **Claim 1** is provided here:

1. A method comprising:

broadcasting a synchronization signal from a wireless access point device indicating one of a plurality of modes of operation for the access point, the plurality of modes of operation including a private mode of operation for authorized devices and a public mode of operation for authorized or non-authorized devices;

broadcasting available public network services if the mode of operation is the public mode of operation;

receiving a request for establishment of a connection from a non-authorized mobile device in response to the broadcast of a synchronization signal for the public mode of operation; and

establishing a connection between the non-authorized mobile device and the access point device;

wherein establishing a connection in the private mode comprises use of a secure authentication process, and wherein establishing a connection in the public mode comprises use of a registration process.

As has been noted in previous actions, the claim provides for “a plurality of modes of operation for the access point, the plurality of modes of operation including a private mode of operation for authorized devices and a public mode of operation for authorized or non-authorized devices”. In addition to any other elements, it is submitted that *Stewart* simply does not provide for this element, and thus a rejection under 35 U.S.C. 102 (e) is not appropriate.

It is submitted that *Stewart* is intended for a specific purpose, the purpose being to allow multiple different networks to share an access point. As indicated in *Stewart*, “Thus, the present invention enables two or more network providers to utilize a common set of wireless or wired access points to provide their respective services to a potentially overlapping set of customers. This allows use of a single network infrastructure, which

minimally impacts the wireless spectrum available at a location while allowing the maximum possible number of network providers to offer their network access services.” (*Stewart*, col. 17, 33-40) The fact that this is the intention of *Stewart* helps to illustrate why it would not make sense for *Stewart* to institute the multiple modes of operation that are provided in Claim 1. Rather than provide for multiple modes of operation for a network, *Stewart* provides for a single mode of operation for multiple networks. It is submitted that the fact that the system that is illustrated and described in *Stewart* allows access by multiple different devices that may or may not be authorized is very different than providing a system that has public and private modes of operation. It is submitted that *Stewart* does not mention any intention of switching between any such modes of operation in the operation of a wireless system.

Claim 1 further indicates with regard to the modes of operation that “establishing a connection in the private mode comprises use of a secure authentication process, and wherein establishing a connection in the public mode comprises use of a registration process.” Thus, if the operation is in the private mode, a secure authentication process will be used, which would be intended to reject non-authorized devices. In the public mode, authorized or non-authorized devices may be provided access, subject to a registration process.

With regard to such elements, the Office Action provides examples of certain authorization processes, but it is respectfully submitted that cited portions do not show different modes of operation, but rather are illustrations of operations for different kinds of networks in a single mode of operation. For example, Figure 4 of *Stewart* illustrates an access operation for a wireless network system using a roaming model. As illustrated,

there is a connection by a user to the network or access point (element 202). The user transmits identification information to the access point or network (element 204), together with the possible transmission of geographic location information (element 206). At this point, there is a determination whether the identification information is known (element 212), with a default provider being chosen if the ID is not known (element 212) and with the proper network being determined if the ID is known (element 216). However, for the purposes of claim 1, this is not a plurality of modes of operation, but rather a single mode of operation. In every case, the identification of the potential user is obtained and a determination is made whether the ID is known.

The current Office Action cites to certain portions of *Stewart* to show the “secure authentication process” and the “registration process”. However, it is respectfully submitted that these cited portions are not relevant to the claim because these elements do not show multiple modes of operation, with a private mode or a public mode being possible. In fact, the operations shown in *Stewart* teach away from multiple modes operation for access because the implementation of private and public modes of operation would frustrate the stated intent of *Stewart*, which is to provide service to multiple networks through a single access point.

For example, with regard to the establishment of a connection in the private mode comprising use of a secure authentication process, the Office Action cites to:

The PCD 110 preferably includes a memory medium which stores identification information indicating a network provider to which the user has subscribed. The indicated network provider may be one of a plurality of possible network providers that provide Internet access or other network services in a network system such as that shown in FIG. 1. The identification information may be a System ID (an 802.11 System ID), a

MAC ID of a wireless Ethernet device comprised in the PCD 110, the name of the network provider, or other type of information that uniquely identifies one (or more) network providers. The identification information may be contained in a digital certificate, which may be stored in a web browser or other location of the personal computing device 110.

(*Stewart*, col. 6, lines 15-28) This section of *Stewart* discusses a personal computing device storing identification information regarding a network provider, and then discusses the various different kinds of identifiers that may be used for a network, further indicating that the identification may be stored in a digital certificate. This does not provide any indication of multiple modes of operation, including a private mode and a public mode. This simply indicative a single mode of operation in which the identification of the device is evaluated to determine which network should receive the device. Similarly, the *Stewart* indicates:

The identification information may also or instead be a MAC (media access controller) ID which is comprised on a wireless Ethernet card of the personal computing device used by the user. The MAC ID may perform a similar purpose in selecting the network provider. As noted above, the identification information may take various forms. For example, the identification information may simply comprise the name of the respective provider and the appropriate access information, which may be contained in a digital certificate. The identification information may comprise other types of network provider identification as desired.

(*Stewart*, col. 10, lines 53-63) This again relates to particular identification information, which is not relevant to the multiple modes of operation.

With regard to a registration process for a public mode connection, the Office Action cites to the following:

Attorney Docket No.: 42390P11398  
Application No.: 10/090,136

-14-

In step 222, where the identification information is determined to not be known or recognized, the method may select a default network provider for the user for network access. The default network provider may be the provider who maintains the wireless network system being used, or may be a randomly selected provider. In step 223 the user may be required to register with this provider to gain network access. This provider may then arrange for ad hoc billing of the user, such as by credit card. For example, the provider may present a web page on the user's PCD 110 requesting the user to enter credit card information for access to the network. Operation then proceeds to step 232.

(*Stewart*, col. 11, line 66 to col. 12, line 10) However, as is seen in Figure 4, a public mode of operation has not been implemented in *Stewart*. Instead, there is a check of the identification of the device to determine whether the device is an authorized device, and the registration of the user only occurs if the device is non-authorized.

In order to reject a claim under 35 U.S.C. 102 (e), it is necessary that every element of the claims be present in the cited reference, which is not the case here. *Stewart* does not teach or suggest a plurality of modes of operation, including a public mode and a private mode, as provided in claim 1. For this reason, the rejection is not supportable.

It is submitted that the arguments presented above also apply to independent **claims 16 and 21**, which contain related provisions, and for this reason, among others, these claims are not anticipated by *Stewart*. The remaining rejected claims are dependent claims and are allowable because they are dependent on the allowable base claims.

JUL 31 2006

**Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (503) 439-8778 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Payment of the fee for such extension is authorized to be charged to our Deposit Account No. 02-2666.

**Charge our Deposit Account**

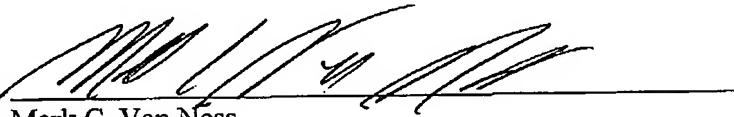
Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

7/31/06

  
Mark C. Van Ness  
Reg. No. 39,865

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1026  
(503) 439-8778

Attorney Docket No.: 42390P11398  
Application No.: 10/090,136

-17-